Adjournment motion regarding Rikshaw strike.

President.—Mr. T. K. Nayar. You have presented a statement to me regarding an adjournment motion, namely, "*The awkward and inconvenient situatian that has arisen in Ernakulam by the rikshaw men going on strike this morning ana the necessity, therefore, of examining the rules framed for regulating rikshaw traffic and of suspending the operation of the rules till they are examined in this House, after they are laid on the Table of this House and thus avoiding hardship on the men and the easing situation.*"

Just when I was coming to this Council meeting, a number of rikshaw-wallas met me there and said they had a complaint to make. The complaint was that they were asked to produce medical certificates in order that they may be allowed to carry on their work of rikshaw drawing. I did not know what the matter really was and then. on coming here, I enquired of the Commissioner of Police and he told me that there was a similar occurence at Trichur and a good number of rikshaw people waited on him and that there is a rule in the Hackney Carriage Act which provides for medical examination and so the rule is being enforced here also. I told him, that in view of this agitation by a large number of people, to enquire into the matter and let me know whether the situation is such that the rule should be strictly enforced or not. In view of the fact that no decision has been definitely come to, can you not afford to wait for a day or two?

Mr. T. K. Nayar.—The matter is such that it cannot be postponed. The fact is while I was coming to the Council some 200 of these people just came around the rikshaw and forced my rikshaw-walla to stop and I had to walk the whole distance. Such a thing should not be tolerated.

President.—If this is moved, as the Government has not come to a decision, it cannot say one way or the other what it is going to do. It may be that there may be no necessity to enforce the rule and they may be given relief. The thing was forced upon my attention only just now and I want to know definitely what the matter is.

Mr. T. K. Nayar.—If the rule is all right, no strike would have arisen. So, in order to ease the situation, just suspend the rule and make enquiry.

President.—Is there a strike?

Mr. T. K. Nayar.—There is.

President.—The strike has already begun?

Mr. T. K. Nayar.—Yes, by this morning. It is a fact.

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Mr. C. Barton Wright.—We had the greatest difficulty in getting rikshaws this morning. It was only through the police that we could get them.

Mr. S. S. Koder.—It began yesterday, Sir.

President.—All on a sudden this has arisen. The people had no notice that there would be a strike like this.

Mr. P. Nilakanta Menon.—I had also no notice. It sprung upon me this morning and I issued instructions to the police to see that no breach of peace occurs. That is all.

President.—This Hackney Carriage Regulation was not enforced for a long number of years. Nobody thought of bringing it into force except at the present moment.

Mr. P. Nilakanta Menon.—It is with the sanction of the Government that it has been brought into force and it is being worked at Trichur and rikshaw-wallas are taking down licenses by producing medical certificates.

President.—Did the rikshaw-wallas represent the matter to the Government?

Mr. P. Nilakanta Menon.—If I remember right—it was not in my time this Regulation was passed into law—I believe when it was under the consideration of the Government, these rikshaw-wallas made a representation and that was considered and it was put down as not to be considered. The best thing I can suggest is to have a sort of conference, and to advise the strike leaders to pacify these people.

President.—What is it that they require us to do now?

Mr. P.Nilakanta Menon.—They want to suspend the operation of this law at once.

President.—What act of the Government or of yours brought them to such a crisis?

Mr. P. Nilakanta Menon.—They were asked to produce medical certificates.

Mr. A. Eachara Menon.—They go for the medical certificate and they have to pay something.

President.—The production of the medical certificate is one of the conditions?

Mr. P. Nilakanta Menon.—Yes.

President.—Don't you think that this rule may for the time being be suspended? We may go into the question leisurely and see whether after all it is necessary to enforce it?

Mr. T. M. Krishna Menon.—The Commissioner says that these rules have been brought into force in Trichur and we would be making an invidious distinction if we do so. Of course conditions here are not the same as in Trichur. Of course when the matter is debated all these things will come to light.

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President.—I am only trying to see whether there is any necessity for this adjournment motion and whether the matter can be squared up, and whether they can be allowed to have their own way without insisting upon the production of the medical certificate. I do not know anything about the Trichur incident at all.

Mr. P. Nilakanta Menon.—Under the rules they shall produce a duly authenticated health certificate from a medical officer not below the rank of an Assistant Surgeon as to their fitness for their profession. Only after production of that will they be registered as rikshaw-wallas and licenses given to them and they have to submit themselwes for periodical inspection.

President.—Have these certificates been produced in Trichur ?

Mr. P. Nilakanta Menon.—Yes. Not all, they are coming in. Of course here it is just beginning and so there is a fuss. It might pass off. If really the Government wishes to avoid this unpleasant situation at once, we will suspend its operation.

President.—When was this passed ?

Mr. P. Nilakanta Menon.—This was brought into force in Chingam last.

President.—And ever since no attempts were made to give effect to this rule ?

Mr. P. Nilakanta Menon.—But then the forms were not ready and it had to be postponed. Now we are trying to bring it into force slowly.

President.—Is it a rule which could be enforced without the sanction of the Government?

Mr. P. Nilakanta Menon.—It is with the sanction of the Government that the rules have been framed and applied.

President.—And then it was published in the Gazette and objections invited?

Mr. P. Nilakanta Menon.—Yes. Only after objections were invited has this been passed. This was passed in 1098. The rules were passed only just now and criticisms were invited on the rules and we have given sufficient time.

President.—Were there any objections?

Mr. P. Nilakanta Menon.—Some objections. That is all. And then the views of the Chairman of each Council were obtained and some of them have approved of these rules.

Mr. K. P. Kannan Nayar.—Not with raference to this medical certificate, Sir.

Mr. P. Nilakanta Menon.—The Chairman of the Ernakulam Council has protested against this clause for medical inspection alone.

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President.—The rules were framed after the model in British?

Mr. P. Nilakanta Menon.—Yes, Sir.

Mr. A. B. Salem.—A petition is under preparation for presentation. 252 rikshaw people have already signed that petition.

President.—I knew all about this only now. To-morrow I shall take up this question and dispose of this adjournment motion.

Mr. T. K. Nayar.—Till that time?

President.—The fact is this, Mr. T. K. Nayar. There are rules requiring the production of medical certificates and these rules have been duly framed and published and they are valid in law. Moreover these rules have been framed in consonance with the rules enforced in British India. These are all points for consideration.

Mr. T. K. Nayar.—Would it not be advisable to suspend it until the enquiry is over?

President.—The enquiry is made by me and it would appear that the rules were duly published in the Gazette and objections invited and those objections were considered and then these rules were given effect to. All the preliminaries have been gone through. It is not a case where certain rules were rushed through without taking the opinion of the public. That is the situation.

Mr. T. K. Nayar.—Until the situation is eased, would you not at least suspend the rules? I do not want a general discussion.

President.—Till the matter is properly considered and disposed of, could not these people be allowed to do their ordinary work? Is there any objection?

Mr. P. Nilakanta Menon.—On principle I would certainly object. We have passed that stage. And it has become law. Simply because an incident occurred that we should do so, I am afraid, will not be in keeping with the dignity of the Government. It has been brought into force in one part of the State without any trouble and simply because we had come across an incident this morning, to suspend the operation of the rule here will look rather awkward.

President.—How did the matter end in Trichur, Mr. T. K. Nayar?

Mr. T. K. Nayar.—I do not know anything about it. Here I know particularly that such a thing has occurred and I have brought it before you and it is your duty to ease the situation.

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Mr. K. Govinda Menon.—There was no strike there.

Mr. T. K. Nayar.—That is a different thing. That does not mean that there is no strike in Ernakulam.

Mr. U. Kandar Menon.—These rules have been passed with the sanction of His Highness and its operation cannot be suspended without getting His Highness' sanction.

Mr. A. B. Salem.—Recommendation can be made to His Highness.

Mr. U. Kandar Menon.—Even then it is not possible to stop it to-day.

Mr. T. M. Krishna Menon.—Supposing the operation of the rules were extended to a particular place by a notification of the Government, could not that notification be withdrawn or suspended? The rules might have been framed with the sanction of His Highness but the notification extending the operation of the rules need not be a notification of His Highness. That will be a notification by the Diwan or somebody else and I do not know whether it is necessary to obtain His Highness' sanction for withdrawing or suspending such a notification. Of course that is a point to be considered. One more point appears to me. Because a few persons join together and demand a particular thing it may not be advisable for the Government to draw back from the position deliberately taken by it. It may also be considered and then orders passed.

Mr. A. B. Salem.—We want the matter to be discussed. It is for that purpose that this adjournment motion has been tabled. We want to strengthen the arm of the Government with the view of the Legislative Council by discussing the matter in full debate and coming to a conclusion. It is not because a few coolies have gone on strike and threatened with a demand that this has been tabled. The Legislative Council is not upon strike. The Legislative Council is sitting and they have approached the Legislative Council to give some remedy. They have asked the Legislative Council to devise ways and means to find a solution of the problem and the only way for us is to move an adjournment motion, because it is an urgent matter and we can deliberately and calmly and judiciously come to a conclusion. Moreover this Regulation was passed in 1098, when this Council was not in existence, and it is always good practice to lay the rules before this House. That is why an adjournment motion has been tabled in that manner so that the Diwan may have his hands strengthened, saying that the Legislative Council's recommendation is to suspend the rules, and accordingly if His Highness' sanction is to be obtained, it may be applied for. I think the procedure that we have adopted

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is perfectly in order and, therefore, the matter may be allowed to be discussed and then all the papers will come up. After all, there are not many papers in the file. Which rikshaw man reads the Gazette in our country? Only when the policeman goes to him and says that he will not allow his rikshaw to be drawn on the road that he opens his eyes.

Mr. P. Krishna Menon.—Now we shall consider the constitutional question and the procedure afterwards. We are now confronted with a difficulty to day. How to get over that is the simple problem before us. If I have rightly understood the matter, the same situation arose in Trichur, and the enforcement of the rule was delayed for about a month. If I have understood the situation correctly, if I am wrong, I may be corrected, there was a strike there when it was first introduced because I was a sufferer, as I was in Trichur on that day.

Mr. E. Ikkanda Warriar.—I may inform the House that the strike was not in connection with the bringing into force of the Hackney Carriage Regulation but it was about the introduction of the town bus service.

Mr. P. Krishna Menon.—Anyhow there was some dispute between the hackney carriage owners, *i. e.*, people who were using it and a month's time was given for the settlement of the matter. Similarly if some such thing is done here, there will be no difficulty and in the meanwhile regular procedure may be adopted either to mend the rule or to enforce it with sufficient notice. To wait till all these questions are gone into most constitutionally and to ask the people to suffer is not proper. So my humble submission is why not we devise some method by which the present inconvenience may be removed and regular procedure adopted in course of time?

Mr. M. A. Chakko.—The matter may be put at rest this way. This Regulation requires every one of these rikshaw-wallas to produce a medical certificate. It will take at least a week for every one of them to get a certificate. If in the meantime some are allowed to pull, then the others may prevent them from pulling. That is strike. So on the ground that it is physically impossible for every one of them to get the required medical certificate in a given time, that is within a few hours the enforcing of the law may be suspended and put off. If the policeman goes and prevents any rikshaw-walla from pulling, he is preventing the convenience that is necessary for the public to move about. So the only solution of the problem is that they must be asked to get their certificate as soon as possible. Some of them must be actually taken by the policemen to the medical officer and got examined; and if a medical

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certificate is got by a few, others will soon follow. For the physical impossibility of having a certain thing done within a certain space of time, we will have to give a little more time to carry that out. Therefore, the solution will be that the police should be directed to give them time to obey the law that we have enforced. For the convenience of the public, these people may be allowed to pull the rikshaws without medical certificate on the understanding that time is given them to get the medical certificate as soon as possible. A convenient period of time may be allowed ; and the policeman, Inspector or any other subordinate officer, must see that these people are obeying, taking into account the fact that they are willing to obey, but they have no time.

President.—Are they given a specified time within which they should produce the medical certificate ? No time-limit ? They are not asked to produce the certificate to-morrow or the next hour.

Mr. P. Nilakanta Menon.—They object to the existence of such a rule and not because they are to produce certificates within a specified time.

President.—That is with regard to the merits of the case. It is another matter and we shall consider that. But Mr. Chakko's point is about the physical impossibility of these people getting the medical certificates within a specified time. I ask the question whether they are given any time within which they are to produce the certificates.

Mr. P. Nilakanta Menon.—The strike is not because of that and we have not said anything like that. It is on account of the objection to pull without medical certificates as required in the Regulation.

Mr. A. Eachara Menon.—They have to take the license from the Municipality and the Municipality refuses grant of license without medical certificates.

Mr. P. Krishna Menon.—And in the absence of the license the policeman will prevent them from pulling. That is what is done.

President.—Now we have understood the situation. Without committing ourselves one way or the other as to the merits of the rule, now I should think it reasonable that some time should be allowed for medical examination and production of the certificate. If they are not going to produce the medical certificate, that is another matter.

Mr. P. Nilakanta Menon.—That is not the immediate cause of the strike. The immediate cause is the existence of this rule. There is no police interference at all.

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President.—Is it your point that if some time is given they are willing to obey?

Mr. M. A. Chakko.—I should think so.

Mr. P. Krishna Menon.—In fact for 8 days in this month they have been allowed to use the vehicles without licenses. The first license expired by the last day of Makaram. The second half begins from the 1st of Kumbham and for these 8 days they were allowed to draw rikshaws without any license. To-day is the 8th. Now what harm is there in allowing them to do it for a few days more and in the meanwhile we will discuss the matter or make such amendments in the rules or enforce it.

President.—Now we have to call in the Chairman. Because he refuses to issue licenses.

Mr. P. Krishna Menon.—If the Commissioner's instructions are not to interfere with the rikshaw men there is nothing.

Mr. P. Nilakanta Menon.—I can give the assurance that the police will not interfere in the matter.

Mr. P. Krishna Menon.—If that is the understanding, there is no harm.

Mr. U. Kandar Menon.—Riksha-wallas prevented others from driving and there is no interference from the police. That is to-day's information.

Mr. C. Barton Wright.— Early morning my rikshaw-man told me that he would not come to take me to the Council Chamber. Then I sent word to the Circle Inspector to send two men to take me to the Council Chamber. While these men were taking me, other leaders came and threatened these two men for drawing rikshaws. When they said they had special instructions from the police to take me to the Council, they were allowed to pass. There was a lot of trouble.

Mr. Thomas Manjuran.—Is there any arrangement for providing these people with free certificates?

Diwan Bahadur Dr. V. Verghese.—There is no rule for issuing free medical certificates. They will have to pay.

Mr. Thomas Manjuran.—What I mean is, as school children are yearly examined, similarly why not rikshaw-wallas be examined? Is it possible for them to find money in 5 minutes? Will a doctor certify without money? For that reason at least give them some time.

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Mr. A. B. Salem.—Only 1½ hours is allowed for this adjournment motion.

President.—The adjournment is asked for to discuss, and how could we discuss without understanding the attitude of these men? It has sprung up at the moment.

Mr. S. S. Koder.—Sir, the point is, as I understand, medical certificate is to be granted free. These poor people cannot pay Rs. 3 or Rs. 5.

President.—Could not free certificates be granted?

Mr. M. A. Chakko.—Government may appoint a doctor for one week or so on special duty for this purpose. And after that time if anybody comes, let him pay.

President.—Though these are old things in towns like Madras, at least for us these are new things. In Madras all these are worked in a particular manner. The only thing is that we have no information on this matter. Whatever is the practice there we shall adopt it here.

Mr. Thomas Manjuran.—Conditions in Ernakulam and Madras are different. Different conveniences. A Member coming to the Madras Council Chamber can, if he pays, procure a car to take him there. Whereas here, even if one is prepared to pay, it is not available. He has to depend upon the rikshaw people. In Madras they have tram, cars, bus, train and jutkas. One rupee here has the purchasing power of about Rs. 2 in Madras.

Mr. E. Ikkanda Warriar.—Is the Government prepared to consider this question? If the Government is going to consider the question, some of them may be called and told that Government would issue a final order within a week. Government need not issue any formal order now. The police may be asked not to interfere in the matter. They may be asked to resume work. In this way we can easily manage and in the meanwhile Government can consider all these aspects. Let the Police Commissioner have an interview with the Chairman of the Municipality this afternoon itself.

Mr. P. Nilakanta Menon.—That is the best thing.

Mr. E. Ikkanda Warriar.—Without understanding, we cannot set right matters. It is not the question of getting 250 persons to work, but my submission is, it is better that they are peacefully dispersed and asked to resume work. If they are told that the Government is considering the question, I am sure they will resume work.

President.—I think you better interview the Chairman of the Municipality and understand the situation, and then the situation can be eased. Let this come for to-morrow. Let somebody go and tell them what all has transpired here.

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Any more urgent matters to be considered?

Mr. A. B. Salem.—I have to point out that there is no water in the Legislative Council. We also never had water yesterday and I sent a chit just now to make some arrangements.

Mr. V. K. Aravindaksha Menon.—Some arrangement is made to store water. For the whole of yesterday and day before yesterday we had no water, for the thing is we have made it an intermittent system, and we cannot make any special arrangement for water to the Council.

Mr. Thomas Manjuran.—That he cannot make any exception to the rule in supplying water to the Council is not the proper answer. It is the convenience of the Members that this House has to seriously consider. Something should be done. I know we cannot get water during intermittent hours and my wife and house-folk can store water. But this is not a residential lodge. Similarly there is nobody here.

Mr. V. K. Aravindaksha Menon.—There is somebody here.

Mr. Thomas Manjuran.—We cannot be lightly treated. We want water and anybody may do that.

President.—The Council Secretary is making special arrangements for water convenience.

Mr. Thomas Manjuran.—I wish he would do that.

Bill to amend the Cochin Civil Procedure Code.

President.—Next item of business is the Bill standing in name of the Law Member.

Mr. A. Sankara Menon.—I beg to move for the appointment of a fresh Select Committee to consider the Bill to amend the Cochin Code of Civil Procedure. And I beg to announce the following members to constitute the Select Committee:—

1. Mr. V. K. Kochunni Menon.
2. ,, A. Sankara Menon.
3. ,, T. K. Krishna Menon.
4. ,, M. K. Raman.
5. ,, A. B. Salem.
6. ,, C. J. Mathew.
7. ,, K. Mohamed Seethi.
8. ,, V. D. Ouseph.
9. ,, K. P. Kannan Nayar.

Mr. T. K. Krishna Menon.—I beg to second it.

President.—Kindly tell us at what stage you have reached. How many meetings have you held?

Mr. A. Sankara Menon.—About 5 meetings were held. There is no necessity to introduce the British Code in our State. It is only necessary to have a new section added. As the last Committee was dissolved, a new Committee has to be reconstituted and the whole thing must be done.

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